

COMMON COUNCIL

Official Proceedings of the 2011-2012 Common Council of the City of Sheboygan.

TWENTIETH REGULAR MEETING

The Council met: Monday, January 16, 2012.

Mayor Bob Ryan in the Chair:

On call of the roll, the following Alderpersons were present:

Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, VanderWeele, Versey 12.

Absent and Excused: Roeseler, Sampson, VanAkkeren-3.

On motion by Alderperson Dekker and second by Alderperson Hammond, the reading of the minutes of the Nineteenth Regular Meeting held January 3, 2012, was approved as entered on the record, all Alderpersons present voting "Aye".

RESIGNATIONS

January 6, 2012

To the Honorable Mayor Bob Ryan

Mr. Mayor:

It's with a significant amount of regret that I must resign from the Board at Mead Public Library, effective immediately, for health reasons. Perhaps you had heard that I had some very unexpected and very serious health related events back in October. While I have since recovered and am now working again, I have revised some priorities in my life and need to make some changes in life styled. I did miss all the Board meetings in October, November, and December of 2011, and it's unfair to the other Board members to have to continue operating short-handed. I have already tendered my resignation to Maeve Quinn. My appointment had been officially for approximately one year to fill an unexpired term. Although my term on the Board was short, it was a great experience. I feel honored to have had the opportunity to affect, even slightly, the direction of one of the best institutions in Sheboygan County. My opinion, which I would publicly defend, is the Sharon Winkle, the executive director, does an outstanding job managing an organization whose value is not always fully appreciated by the citizenry, and manages in an environment of significant impending changes to the way information is accumulated, used, shared, and stored. As a citizen who appreciates the value of an educated public, I'm glad she's here. I would also say that the Board members, every one of them, are strong members. This is no rubber stamp Board. And because of that, again I would say that my interests as a citizen are well protected where Mead Public Library is concerned.

Sincerely,

Edward A Morgan

On motion by Alderperson Dekker and second by Alderperson Hammond, the Resignation was accepted and placed on file, all Alderpersons present voting "Aye".

PUBLIC FORUM

Milt Storm, 1736 Marvin Ct. spoke. One extra minute was granted by Alderpersons Versey and Hammond.

MAYOR'S ANNOUNCEMENTS

On motion by Alderperson Dekker and second by Alderperson Hammond, the following documents notated with an asterisk (*) were accepted and placed on file, accepted and adopted, or passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, VanderWeele, Versey 12.

Nays: None.

COMMUNICATIONS AND PETITIONS

Com. No. 16 - 11 - 12. January 16, 2012.

Submitting a communication from Carol Wheeler regarding her concerns over various issues in the City such as a possible casino and the issuing of parking tickets.

Was referred to the Committee of Public Protection and Safety and to the Committee on Public Works.

REPORTS OF OFFICERS

***R. O. No. 335 - 11 - 12. By CITY CLERK. January 16, 2011.**

Submitting various license applications.

COMMERCIAL OPERATORS LICENSE APPLICATION (December 31, 2012)

<u>No.</u>	<u>Name</u>	<u>Address</u>
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2048	Brian T Kath Tree Trimming	1612 S. 8 th St.
2138	Juniors Tree Service	1429 N. 26 th St.
<u>MASSAGE ESTABLISHMENT LICENSE</u> (December 31, 2012)		
<u>No.</u>	<u>Name</u>	<u>Address</u>
2871	Hands In Motion	1224 Weeden Creek Rd.
2523	Nouvelle Salon & Day Spa	1520 Union Ave.
1717	Sheboygan Memorial Medical	2629 N. 7 th St.

TEMPORARY CLASS "B" LICENSE

<u>No.</u>	<u>Name</u>	<u>Address</u>
2541	Sheboygan Visual Artists	1201 Erie Ave. – one-day event to be held 1/27/12 to include main floor gallery.

***R. O. No. 336 - 11 - 12. By CITY PLAN COMMISSION. January 16, 2012.**

Your Commission to whom was referred R. O. No. 285-11-12 submitting a communication from the Sheboygan Athletic Club requesting that the City assists them in an extensive renovation by putting up the Wildwood Park land as collateral for a loan that they would take out to finance this project; recommends that the Report of Officer be referred to the City Plan Commission with a request to have the City Plan Commission refer something back to Finance for their action; wishes to report this matter was discussed at the regular meeting of the City Plan Commission, January 10, 2012, and after due consideration, recommends the Report of Officer be filed.

***R. O. No. 337 - 11 - 12. By CITY PLAN COMMISSION. January 16, 2012.**

Your Commission to whom was referred Gen. Ord. No. 53-11-12 and R. O. No. 294-11-12 relative to granting Above and Beyond Corporation the privilege of encroaching upon described portions of Niagara Ave. located at 902 N. 8th St. for the purpose of overhang encroachment; wishes to report this matter was discussed at the regular meeting of the City Plan Commission, January 10, 2012, and after due consideration; recommends filing the Report of Officer and approving the Ordinance.

R. O. No. 338 - 11 - 12. By CITY PLAN COMMISSION. January 16, 2012.

Your Commission to whom was referred Gen. Ord. No. 57-11-12 repealing and recreating the text of Subsection 15.205(12) of the City's Zoning ordinance relating to regulations applicable to large scale buildings, so as to include industrial buildings; wishes to report this matter was discussed at the regular meeting of the City Plan Commission, January 10, 2012, and after due consideration; recommends approval of the Ordinance.

Lies over under the rules to February 6, 2012.

***R. O. No. 339 - 11 - 12. By CITY PLAN COMMISSION. January 16, 2012.**

Your Commission to whom was referred Gen. Ord. No. 58-11-12 and R. O. No. 315-11-12 relative to granting Anglers Avenue, LLC the privilege of encroaching upon described portions of the public promenade located at 518 South Pier Drive for the purpose of building and maintaining a dining patio; wishes to report this matter was discussed at the regular meeting of the City Plan Commission, January 10, 2012, and after due consideration; recommends filing the Report of Officer and approving the Ordinance.

***R. O. No. 340 - 11 - 12. By CITY PLAN COMMISSION. January 16, 2012.**

Your Commission to whom was referred Gen. Ord. No. 59-11-12 and R. O. No. 315-11-12 relative to granting Anglers Avenue, LLC the privilege of encroaching upon described portions of the public promenade located at 510 South Pier Drive for the purpose of building and maintaining a dining patio; wishes to report this matter was discussed at the regular meeting of the City Plan Commission, January 10, 2012, and after due consideration; recommends that the Report of Officer be filed and approve the Ordinance.

R. O. No. 341 - 11 - 12. By DEVELOPMENT MANAGER. January 16, 2012.

Submitting a request from Chad Pelishek, Development Manager, to allow U.S. Army Corp of Engineers and their consultant, Ecology and Environment, Inc, at no cost to the City, to prepare an invasive species control and management plan (ISCMP) which will be inclusive of specific measures to target the invasive species present at the Schuchardt Property.

Was referred to the City Plan Commission.

R. O. No. 342 - 11 - 12. By CITY CLERK. January 16, 2011.

Submitting various license applications for the period ending June 30, 2012 and June 30, 2013.

Was referred to the Committee on Law and Licensing.

R. O. No. 343 - 11 - 12. By BUILDING INSPECTION DEPARTMENT. January 16, 2012.

We hereby submit the report of the Building Inspection Department for the month of November 2011.
Was referred to the Committee on Public Protection and Safety.

R. O. No. 344 - 11 - 12. By BUILDING INSPECTION DEPARTMENT. January 16, 2012.

We hereby submit the report of the Building Inspection Department for the month of December 2011.
Was referred to the Committee on Public Protection and Safety.

R. O. No. 345 - 11 - 12. By BUILDING INSPECTION DEPARTMENT. January 16, 2012.

We hereby submit the report of the Building Inspection Department for the Year 2011.
Was referred to the Committee on Public Protection and Safety.

R. O. No. 346 - 11 - 12. By CITY CLERK. January 16, 2012.

Submitting a communication from Phil Ninnemann regarding his concerns about the ordinances that passed about the registration of vacant properties.

Was referred to the Committee on Public Protection and Safety.

R. O. No. 347 - 11 - 12. By CITY CLERK. January 16, 2012.

Submitting a communication from Rene Cordova requesting a waiver of the Sex Offender Residency restrictions in order to live at 1512A Martin Ave.

Was referred to the Committee on Public Protection and Safety.

R. O. No. 348 - 11 - 12. By CITY CLERK. January 16, 2012.

Submitting a communication from Steven J. McCarthy requesting a waiver of the Sex Offender Residency restrictions in order to live at 1719 N. 35th St.

Was referred to the Committee on Public Protection and Safety.

R. O. No. 349 - 11 - 12. By CITY CLERK. January 16, 2012.

Submitting a communication from Linda Shimon regarding her various suggestions and concerns about the garbage fees and how things are being handled.

Was referred to the Committee on Public Works.

RESOLUTION INTRODUCED

Res. No. 125 - 11 - 12. By Alderpersons Roeseler, Versey, Kittelson, Dekker and Sampson. January 16, 2012.

A RESOLUTION lifting the hiring freeze in order to hire six (6) Fire Fighter/Paramedics in the Fire Department.

WHEREAS, the City of Sheboygan passed Resolution 122-11-12 that extended the hiring freeze to December 31, 2013;

WHEREAS, the hiring freeze allows for emergency exceptions upon approval of the Mayor and Council;

WHEREAS, the Mayor recently approved the Hiring Audit form to authorize hiring six (6) Fire Fighter/Paramedic.

NOW, THEREFORE, BE IT RESOLVED: That the Common Council hereby authorizes, as an emergency exception to the hiring freeze, the hiring of six (6) Fire Fighter/Paramedics in the Fire Department.

A motion was made by Alderperson Versey and second by Alderperson Kittelson to pass the Resolution.

Fire Chief Hermann spoke.

On motion by Alderperson Hammond and second by Alderperson Dekker, the Resolution was passed on call of the roll:

Ayes: Boeldt; Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, VanderWeele 10.

Nays: Bohren, Versey 2.

REPORTS OF COMMITTEES

***R. C. No. 282 - 11 - 12. By MARINA AND HARBOR. January 16, 2012.**

Your Committee to whom was referred R. O. No. 260-11-12 submitting the Harbor Centre Marina Balance Sheet from Operations dated September 30, 2011, as submitted by Skipper Marine; recommends the Report of Officer be accepted and placed on file.

***R. C. No. 283 - 11 - 12. By LAW AND LICENSING. January 16, 2012.**

Your Committee to whom was referred, pursuant to R. O. No. 318-11-12 by the City Clerk, submitting license applications for the period ending June 30, 2012 and June 30, 2013; recommends that the following licenses be granted:

TAXICAB OPERATOR'S LICENSE (June 30, 2012)

No. Name

9412 Skarvan Jr., Ricky J.
7124 Skirvin, William C.

We further recommend that, by the adoption of this report, the City Clerk is hereby authorized and directed to issue the proper licenses.

***R. C. No. 284 - 11 - 12. By MARINA AND HARBOR. January 16, 2012.**

Your Committee to whom was referred R. O. No. 319-11-12 submitting a request from Chad Pelishek, Development Manager, requesting approval of a 252-foot Great Lakes Cruise Ship, Yorktown, to anchor in the Sheboygan Harbor starting in June 2012 and waiving any related docking fees for the calendar year 2012; recommends that the Report of Officer be accepted and filed with the following updates: The Yorktown is a 138 passenger cruise ship and the Yorktown will anchor in the Inner Harbor.

***R. C. No. 285 - 11 - 12. By PUBLIC WORKS. January 16, 2012.**

Your Committee to whom was referred R. O. No. 332-11-12 by the Development Manager requesting that the 8th Street Boat Launch be closed to public use for dredging activities during the 2012 season and authorizing the Public Works Department to not install docks for the season; recommends that the Report of Officer be accepted and placed on file and approved.

***R. C. No. 286 - 11 - 12. By PUBLIC WORKS. January 16, 2012.**

Your Committee to whom was referred R. O. No. 333-11-12 by the Development Manager for the U.S. Army Corp of Engineers to utilize the parking lot to the west of the former Armory as a staging and storage site for the Strategic Dredging project to be undertaken in 2012; recommends that the Report of Officer be accepted and filed and approved.

R. C. No. 287 - 11 - 12. By LAW AND LICENSING. January 16, 2012.

Your Committee to whom was referred R. O. No. 295-11-12 by the City Clerk, submitting license applications for the period ending June 30, 2012 and June 30, 2013; recommends that Pawnbroker License application #2874 (S & T's Pawn & Retail Shop) be denied based on concerns regarding issues of public protection and safety, Teresa Gierke's past behavior, and the criminal background of Ms. Gierke's business associate.

On motion by Alderperson VanderWeele and second by Alderperson Kath, the Report of Committee was accepted and adopted, on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, VanderWeele, Versey 12.

Nays: None.

***R. C. No. 288 - 11 - 12. By LAW AND LICENSING. January 16, 2012.**

Your Committee to whom was referred, pursuant to R. O. No. 328-11-12 by the City Clerk, submitting license applications for the period ending June 30, 2012 and June 30, 2013; recommends that the following licenses be granted:

BEVERAGE OPERATOR'S LICENSE (June 30, 2013)

No.	Name
9417	Aicher, Samantha L.
9415	Grabowska, Angela A.
9424	Oostdyke, Susan A.
9418	Ploetz, Kayla S.
9421	Rowe, Cole M.
9422	Scharenbrock, Sue K.
9420	Tavares, Bradley M.

TAXICAB OPERATOR'S LICENSE (June 30, 2012)

No.	Name
9416	Mendez, Bobbie J.

We further recommend that, by the adoption of this report, the City Clerk is hereby authorized and directed to issue the proper licenses.

***R. C. No. 289 - 11 - 12. By SALARIES AND GRIEVANCES. January 16, 2012.**

Your Committee to whom was referred Gen. Ord. No. 39-11-12 by Alderpersons Boeldt, Bohren and Heidemann re-establishing the salary schedule for the office of Mayor (part-time); recommends that the Ordinance be placed on file.

R. C. No. 290 - 11 - 12. By LAW AND LICENSING. January 16, 2012.

Your Committee to whom was referred, pursuant to R. O. No. 318-11-12 by the City Clerk, submitting license applications for the period ending June 30, 2012 and June 30, 2013; recommends that Taxicab Operator's License

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application #9407 be denied based on his failure to accurately reveal all relevant convictions on his application and his record of violations related to the licensed activity.

On motion by Alderperson VanderWeele and second by Alderperson Kath, the Report of Committee was accepted and adopted, on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, Versey 憫11.

Nays: VanderWeele-1.

R. C. No. 291 - 11 - 12. By LAW AND LICENSING. January 16, 2012.

Your Committee to whom was referred, pursuant to R. O. No. 318-11-12 by the City Clerk, submitting license applications for the period ending June 30, 2012 and June 30, 2013; recommends that Taxicab Operator's License application #8316 be denied based on his record of violations related to the licensed activity and his record as a habitual law violator.

On motion by Alderperson VanderWeele and second by Alderperson Kath, the Report of Committee was accepted and adopted, on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, VanderWeele, Versey 憫12.

Nays: None.

R. C. No. 292 - 11 - 12. By SALARIES AND GRIEVANCES. January 16, 2012.

Your Committee to whom was referred Res. No. 122-11-12 by Alderpersons Versey, Bohren,, Heidemann and Sampson authorizing the City of Sheboygan to extend the current hiring freeze until December 31, 2013; recommends that the Resolution be passed.

Was accepted and adopted.

R. C. No. 293 - 11 - 12. By LAW AND LICENSING. January 16, 2012.

Your Committee to whom was referred Res. No. 124-11-12 by Alderpersons Bohren, Dekker, Hammond and Kath authorizing the presiding officer at city meetings the discretion to utilize written confidentiality agreements for closed sessions; recommends that the Resolution be passed.

Was accepted and adopted.

R. C. No. 294 - 11 - 12. By SALARIES AND GRIEVANCES. January 16, 2012.

Your Committee to whom was referred Gen. Ord. No. 40-11-12 by Alderpersons Bohren, Heidemann, Kath and Versey re-establishing the salary schedule for the office of Mayor (full-time); recommends that the attached Substitute Ordinance be passed.

A motion by Alderperson Versey and second by Alderperson Kittelson was made to accept and adopt the Report of Committee and to pass the Substitute Ordinance.

Before action was taken thereon, a motion by Alderperson Hammond and second by Alderperson Bohren was made to re-refer to the Committee on Salaries and Grievances was passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, VanderWeele, Versey 憫12.

Nays: None.

RESOLUTIONS ON SECOND READING

Res. No. 122 – 11 – 12. By Alderpersons Versey, Bohren, Heidemann and Sampson. December 19, 2011.

A RESOLUTION authorizing the City of Sheboygan to extend the current hiring freeze until December 31, 2013.

RESOLVED: That the City of Sheboygan shall extend the current hiring freeze for budgetary reasons until December 31, 2013.

On motion by Alderperson Dekker and second by Alderperson Hammond, the Resolution was passed on call of the roll:

Ayes: Bohren, Hammen, Heidemann, Kath, Kittelson, Matichek, Versey 憫7.

Nays: Boeldt, Carlson, Dekker, Hammond, VanderWeele 憫5.

Res. No. 124 - 11 - 12. By Alderpersons Bohren, Dekker, Hammond and Kath. January 3, 2012.

A RESOLUTION authorizing the presiding officer at city meetings the discretion to utilize written confidentiality agreements for closed sessions.

WHEREAS, Section 2-272 of the city's code of ethics prohibits city officials or employees, without proper legal authorization, from disclosing confidential information concerning the property, government or officers of the city; and

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WHEREAS, despite said prohibition, the Common Council finds that there has been an increase in the leaking/Unauthorized disclosure of confidential information obtained and documents discussed and distributed in closed session meetings.

NOW, THEREFORE, BE IT RESOLVED: That the Mayor, chairperson or other presiding officer at closed sessions of the council, city committees, and meetings of city boards, commissions and authorities, is authorized to require of all individuals, as a condition of participation in appropriate closed sessions, written confidentiality agreements, in form substantially similar to the attached.

On motion by Alderperson VanderWeele and second by Alderperson Kath, the Resolution was passed on call of the roll:

Ayes: Bohren, Dekker, Hammen, Hammond, Kath, Kittelson, Versey 7.

Nays: Boeldt, Carlson, Heidemann, Matichek, VanderWeele 5.

ORDINANCES ON SECOND READING

***Gen. Ord. No. 53 - 11 - 12. By Alderpersons Sampson and Matichek. December 5, 2011.**

AN ORDINANCE granting Above and Beyond Corporation, its successors and assigns, the privilege of encroaching upon described portions of Niagara Ave. located at 902 N. 8th St. in the City of Sheboygan for the purpose of overhang encroachment.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. Subject to the terms and conditions contained herein, Above and Beyond Corporation, its successors and assigns, is hereby granted the privilege of encroaching into that part of Niagara Ave. right-of-way for the purpose of overhang encroachment adjacent to Lot 12 of Block 106, Original Plat of the City of Sheboygan, located in Sect. 23, T.15N., R.23E., City of Sheboygan, Sheboygan County, Wisconsin being more particularly described as follows:

Commencing at the southeast corner of said Lot 12, thence west along Niagara Ave. Right Of Way 5.00' to the point of beginning, thence West 10.00' feet along the north right of way for Niagara Avenue, thence south 12.00 feet, thence East 10.00 feet, thence north 12.00 feet to the point of beginning.

Said parcel contains 120 sq. ft., in accordance with the sketch attached hereto and made a part hereof.

Section 2. The privilege as granted above is granted only on the condition that by the acceptance of the privilege, the said Above and Beyond Corporation, its successors and assigns:

a. Shall become primarily responsible and liable for all and any damage to persons or property caused by and arising from the grant and exercise of such privilege.

b. Shall remove the encroachment allowed herein within ten (10) days after notice so to remove given by the State of Wisconsin or the City of Sheboygan; in the event of the failure so to remove, the said Above and Beyond Corporation, its successors and assigns: shall pay the costs of removal by the State of Wisconsin or the City of Sheboygan, waiving all claim or claims for damages resulting from such removal, whether the removal is done by the said Above and Beyond Corporation, its successors and assigns, or by the State of Wisconsin or by the City of Sheboygan.

c. Shall pay such compensation to the City of Sheboygan for the grant of this privilege as may be determined by a board consisting of the Mayor, the Director of Public Works and the City Attorney; the compensation shall be paid into the General Fund.

d. Shall make such construction and/or alterations and maintain the same subject to the approval of the City Building Inspector and Director of Public Works, and shall waive the right to contest in any manner the validity of this ordinance or the amount of compensation charged.

Section 3. The provisions of §66.045(1)(2) of the Wisconsin Statutes are incorporated herein by reference to all intents and purposes as if set out fully.

Section 4. The City Clerk is authorized and directed to record a certified copy of this ordinance in the office of the Register of Deeds for Sheboygan County, Wisconsin, the costs thereof to be charged to the General Fund.

Section 5. This ordinance shall take effect and be in full force from and after its passage and publication and upon payment of the consideration to be determined hereunder, provided, however, that in the event of failure to exercise the privilege herein granted and the payment of such consideration within six (6) months from the effective date hereof, then and in that event such privilege shall be rendered null and void.

***Gen. Ord. No. 58 - 11 - 12. By Alderpersons Sampson and Matichek. December 19, 2011.**

AN ORDINANCE granting Anglers Avenue, LLC, its successors and assigns, the privilege of encroaching upon described portions of the public promenade located at 518 South Pier Drive in the City of Sheboygan for the purpose of building and maintaining a dining patio.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. Subject to the terms and conditions contained herein, Anglers Avenue, LLC, its successors and assigns, is hereby granted the privilege of encroaching into that part the public promenade for the purpose of building and maintaining a dining patio being Lot 1 of South Pier Plat, located in Sect. 23, T.15N., R.23E., City of Sheboygan, Sheboygan County, Wisconsin being more particularly described as follows:

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Commencing at the northeast corner of Lot 4 South Pier Plat, thence southwesterly along the northerly line of said lot 4 also being the southerly line of Lot 1 of said South Pier Plat 233.5 feet to the point of beginning, thence northwesterly at a right angle to the north line of said lot 4 9.00 feet, thence easterly parallel with north line of said lot 4 33.00 feet, thence southeasterly 9.00 feet to the north line of said lot 4, thence easterly along the north line of said lot 4 33.00 feet to the point of beginning.

Said parcels contains 297.00 sq. ft., in accordance with the sketch attached hereto and made a part hereof.

Section 2. The privilege as granted above is granted only on the condition that by the acceptance of the privilege, the said Anglers Avenue, LLC, its successors and assigns:

a. Shall become primarily responsible and liable for all and any damage to persons or property caused by and arising from the grant and exercise of such privilege.

b. Shall remove the encroachment allowed herein within ten (10) days after notice so to remove given by the State of Wisconsin or the City of Sheboygan; in the event of the failure so to remove, the said Anglers Avenue, LLC, its successors and assigns: shall pay the costs of removal by the State of Wisconsin or the City of Sheboygan, waiving all claim or claims for damages resulting from such removal, whether the removal is done by the said Anglers Avenue, LLC, its successors and assigns), or by the State of Wisconsin or by the City of Sheboygan.

c. Shall pay such compensation to the City of Sheboygan for the grant of this privilege as may be determined by a board consisting of the Mayor, the Director of Public Works and the City Attorney; the compensation shall be paid into the General Fund.

d. Shall make such construction and/or alterations and maintain the same subject to the approval of the City Building Inspector and Director of Public Works, and shall waive the right to contest in any manner the validity of this ordinance or the amount of compensation charged.

Section 3. The provisions of §66.0425(1) thru (5) of the Wisconsin Statutes are incorporated herein by reference to all intents and purposes as if set out fully.

Section 4. The City Clerk is authorized and directed to record a certified copy of this ordinance in the office of the Register of Deeds for Sheboygan County, Wisconsin, the costs thereof to be charged to the General Fund.

Section 5. This ordinance shall take effect and be in full force from and after its passage and publication and upon payment of the consideration to be determined hereunder, provided, however, that in the event of failure to exercise the privilege herein granted and the payment of such consideration within six (6) months from the effective date hereof, then and in that event such privilege shall be rendered null and void.

***Gen. Ord. No. 59 - 11 – 12. By Alderpersons Sampson and Matichek. December 19, 2011.**

AN ORDINANCE granting Anglers Avenue, LLC, its successors and assigns, the privilege of encroaching upon described portions of the public promenade located at 510 South Pier Dr. in the City of Sheboygan for the purpose of building and maintaining a Dining Patio.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. Subject to the terms and conditions contained herein, Anglers Avenue, LLC, its successors and assigns, is hereby granted the privilege of encroaching into that part the public promenade for the purpose of building and maintaining a dining patio being Lot 1 of South Pier Plat, located in Sect. 23, T.15N., R.23E., City of Sheboygan, Sheboygan County, Wisconsin being more particularly described as follows:

Commencing at the northeast corner of Lot 4 South Pier Plat, thence southwesterly along the northerly line of said lot 4 also being the southerly line of Lot 1 of said South Pier Plat 241.5 feet to the point of beginning, thence northwesterly at a right angle to the north line of said lot 4 9.00 feet, thence easterly parallel with north line of said lot 4 33.00 feet, thence southeasterly 9.00 feet to the north line of said lot 4, thence easterly along the north line of said lot 4 33.00 feet to the point of beginning.

Said parcels contains 297.00 sq. ft., in accordance with the sketch attached hereto and made a part hereof.

Section 2. The privilege as granted above is granted only on the condition that by the acceptance of the privilege, the said Anglers Avenue, LLC, its successors and assigns:

a. Shall become primarily responsible and liable for all and any damage to persons or property caused by and arising from the grant and exercise of such privilege.

b. Shall remove the encroachment allowed herein within ten (10) days after notice so to remove given by the State of Wisconsin or the City of Sheboygan; in the event of the failure so to remove, the said Anglers Avenue, LLC, its successors and assigns: shall pay the costs of removal by the State of Wisconsin or the City of Sheboygan, waiving all claim or claims for damages resulting from such removal, whether the removal is done by the said Anglers Avenue, LLC, its successors and assigns), or by the State of Wisconsin or by the City of Sheboygan.

c. Shall pay such compensation to the City of Sheboygan for the grant of this privilege as may be determined by a board consisting of the Mayor, the Director of Public Works and the City Attorney; the compensation shall be paid into the General Fund.

d. Shall make such construction and/or alterations and maintain the same subject to the approval of the City Building Inspector and Director of Public Works, and shall waive the right to contest in any manner the validity of this

ordinance or the amount of compensation charged.

Section 3. The provisions of §66.0425(1) thru (5) of the Wisconsin Statutes are incorporated herein by reference to all intents and purposes as if set out fully.

Section 4. The City Clerk is authorized and directed to record a certified copy of this ordinance in the office of the Register of Deeds for Sheboygan County, Wisconsin, the costs thereof to be charged to the General Fund.

Section 5. This ordinance shall take effect and be in full force from and after its passage and publication and upon payment of the consideration to be determined hereunder, provided, however, that in the event of failure to exercise the privilege herein granted and the payment of such consideration within six (6) months from the effective date hereof, then and in that event such privilege shall be rendered null and void.

ORDINANCES INTRODUCED

Gen. Ord. No. 61 – 11 - 12. By Alderperson Kittelson. January 16, 2012.

AN ORDINANCE repealing and recreating Subsection 66-72(7) of the Municipal Code so as to include specific construction work by or on behalf of the federal government as authorized by the common council to the exceptions to the City's noise ordinance.

Was referred to the Committee on Public Protection and Safety.

Gen. Ord. No. 62 – 11 – 12. By Alderpersons Roeseler, Kittelson, Dekker, Versey and Sampson. January 16, 2012.

AN ORDINANCE amending Section 29-75 of the 1975 Sheboygan Municipal Code so as to create the Job Description of Neighborhood/Development Specialist in the City Development Department for the City of Sheboygan.

On motion by Alderperson Kittelson and second by Alderperson Versey, the foregoing Ordinance was referred to the Committee on Salaries and Grievances, all Alderpersons present voting "Aye".

There being no further business, on motion by Alderperson Dekker and second by Alderperson Hammond, the meeting was then adjourned, all Alderpersons present voting "Aye".

Mayor

City Clerk